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HOUSE JOINT MEMORIAL 02
47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY
Patricia A. Lundstrom

FOR THE INDIAN AFFAIRS COMMITTEE

A JOINT MEMORIAL

REQUESTING THAT THE FEDERAL DEPARTMENT OF JUSTICE ENFORCE THE
PROVISIONS OF THE FEDERAL INDIAN ARTS AND CRAFTS ACT OF 1990.

WHEREAS, the federal Indian Arts and Crafts Act of 1990 is
a truth-in-advertising law that prohibits misrepresentation in
marketing Indian arts and crafts products within the United
States; and

WHEREAS, it is illegal to offer or display for sale or
sell any art or craft product in a manner that falsely suggests
that it is Indian-produced, an Indian product or the product of
a particular Indian, an Indian tribe or an Indian arts and
crafts organization; and

WHEREAS, for a first-time violation of the act, an
individual may face a civil penalty or a criminal penalty with
a fine of up to two hundred fifty thousand dollars (\$250,000)

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1 or a five-year prison term, or both; and

2 WHEREAS, for a first-time violation of the act, a business
3 may face a civil penalty or be prosecuted and fined up to one
4 million dollars (\$1,000,000), or both; and

5 WHEREAS, under the act, "Indian" is defined as a member of
6 any federally or state-recognized Indian tribe or an individual
7 certified as an Indian artisan by an Indian tribe; and

8 WHEREAS, the act covers all Indian and Indian-style
9 traditional and contemporary arts and crafts produced after
10 1935; and

11 WHEREAS, the act requires that all products be marked
12 truthfully regarding the Indian heritage and the tribal
13 affiliation of the producers, so as not to mislead a consumer;
14 and

15 WHEREAS, under the act it is illegal to market an art or
16 craft item using the name of a tribe if a member or certified
17 Indian artisan of that tribe did not actually create the art or
18 craft item; and

19 WHEREAS, the United States attorney for the district of
20 New Mexico has the necessary legal authority to prosecute a
21 violation of the act as with any consumer fraud complaint; and

22 WHEREAS, the federal Indian arts and crafts board receives
23 and refers valid complaints about violations of the act to the
24 federal bureau of investigation for inquiry and to the federal
25 department of justice for legal action;

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